

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:07-CV-168-DCK**

BELK, INC. and)	
BELK INTERNATIONAL, INC.,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
MEYER CORPORATION, U.S., and)	
MEYER INTELLECTUAL PROPERTIES)	
LIMITED,)	
)	
Defendants.)	
_____)	

THIS MATTER IS BEFORE THE COURT *sua sponte* for scheduling purposes and on “Defendant’s Motion For Leave To File A Sur-reply In Further Opposition To Belk’s Motion To Compel” (Document No. 114), filed October 2, 2008; “Plaintiffs’ Motion To file Surreply Memorandum In Opposition To Defendants’ Reply In Support Of Its Cross Motion To Compel” (Document No. 119), filed October 30, 2008; “Plaintiffs Belk, Inc. And Belk International, Inc.’s Motion And Memorandum In Support Of Motion For Appointment Of Mediator” (Document No. 120), filed November 13, 2008; the parties’ “Joint Motion To Extend Discovery Deadlines” (Document No. 125), filed December 2, 2008; and “Meyer’s Notice Of Consent To Mediator” (Document No. 126), filed December 5, 2008. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and the motions above are ripe for disposition.

Having carefully considered the papers, the record, and the applicable authority, the undersigned will grant the motions in part, and deny the motions in part.

IT IS, THEREFORE, ORDERED “Defendant’s Motion For Leave To File A Sur-reply

In Further Opposition To Belk's Motion To Compel" (Document No. 114) and "Plaintiffs' Motion To file Surreply Memorandum In Opposition To Defendants' Reply In Support Of Its Cross Motion To Compel" (Document No. 119) are **GRANTED**. Traditionally, sur-replies are discouraged in this Court. The undersigned will allow an exception in this instance and give these pleadings such consideration as they deserve.

IT IS FURTHER ORDERED that "Plaintiffs Belk, Inc. And Belk International, Inc.'s Motion And Memorandum In Support Of Motion For Appointment Of Mediator" (Document No. 120) is **DENIED AS MOOT**. It is the Court's understanding pursuant to "Meyer's Notice Of Consent To Mediator" (Document No. 126) that the parties have agreed that Mr. Guy Blynn will serve as the mediator in this case. A report on the results of mediation shall be filed on or before **January 16, 2008**.

IT IS FURTHER ORDERED that the parties' "Joint Motion To Extend Discovery Deadlines" (Document No. 125) is **GRANTED**, with modification, as follows:

Supplementation to Expert Witness Reports	January 9, 2009
Mediation and Discovery Deadline	January 16, 2009
Motions Deadline	February 6, 2009.

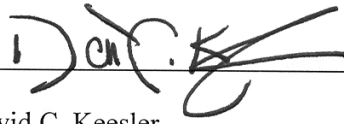
IT IS FURTHER ORDERED that the parties shall file a joint report on or before **January 20, 2009**, clearly identifying those issues in the pending motions to compel (Document Nos. 103, 109, and 121) which the parties have been unable to resolve on their own.

IT IS FURTHER ORDERED that counsel for the parties shall appear before the undersigned for a Status and Motions Hearing on **January 22, 2009**, prepared to discuss the status of this case and to argue any pending motions. The Clerk of Court will issue a separate Notice of

Hearing confirming the date, time, and location of the hearing.

SO ORDERED.

Signed: December 8, 2008



David C. Keesler
United States Magistrate Judge

